

COUNTRY PROFILE

1993 HAGUE INTERCOUNTRY ADOPTION CONVENTION¹

RECEIVING STATE

COUNTRY NAME: Australia

PROFILE UPDATED ON: June 2024

PART I: CENTRAL AUTHORITY

1. Contact details ²	
Name of office:	Australian Central Authority, Australian Government Department of Social Services
Acronyms used:	ACA - Australian Central Authority DSS - Department of Social Services
Address:	GPO Box 9820 Canberra ACT 2601 Australia
Telephone:	+61 2 6146 8232
Fax:	N/A
E-mail:	icapograms@dss.gov.au
Website:	www.dss.gov.au/intercountryadoption www.intercountryadoption.gov.au
Contact person(s) and direct contact details (please indicate language(s) of communication):	Director, Intercountry Adoption, Australian Government Department of Social Services icapograms@dss.gov.au English

¹ Full title: the *Hague Convention of 29 May 1993 on Protection of Children and Co-operation in Respect of Intercountry Adoption* (referred to as the "1993 Hague Intercountry Adoption Convention" or the "1993 Convention" in this Country Profile). Please note that any reference to "Articles" (or Art. / Arts for short) in this Country Profile refers to Articles of the 1993 Hague Intercountry Adoption Convention.

² Please verify whether the contact details on the Hague Conference website < www.hcch.net > under "Intercountry Adoption Section" then "Central Authorities" are up to date. If not, please e-mail the updated contact information to < secretariat@hcch.net >.



If your State has designated more than one Central Authority, please provide contact details for the further Central Authorities below and specify the territorial extent of their functions.

Contact details for the state and territory central authorities:

New South Wales

Open Adoption and Permanency Services

Open Adoption Records Access

Department of Communities and Justice

Website: <http://www.dcj.nsw.gov.au/children-and-families/adoption>

Call: +61 2 9716 3003

Fax: +61 2 9716 3001

Email: intercountryadoption@dcj.nsw.gov.au

Victoria

Adoption Victoria

Courts, Civil and Criminal Law

Department of Justice and Community Safety

Website: <https://www.vic.gov.au/adopt-child-overseas>

Call: +61 1300 194 755

Email: adoptionvic@justice.vic.gov.au

Queensland

Adoption and Permanent Care Services

Department of Child Safety, Seniors and Disability Services

Website: <https://www.qld.gov.au/community/caring-child/adoption>

Call: +61 7 3097 5100

Fax: +61 7 3097 5101

Email: ads@cyjma.qld.gov.au

Western Australia

Adoption Services

Department of Communities

Website: <https://www.wa.gov.au/organisation/department-of-communities>

Call: 1800 182 178 (Australia only)

Email: adoptions@communities.wa.gov.au

South Australia

Adoption Services

Department for Child Protection

Website: <https://www.childprotection.sa.gov.au/adoption>



Call: 1800 512 355 (Australia Only)

Email: adoptions@sa.gov.au

Tasmania

Adoption and Permanency Services

Department for Education, Children and Young People

Website: <https://www.decyp.tas.gov.au/children/adoptions-and-permanency-services/>

Call: +61 3 6166 0422 or 1300654 583

Email: adoption.service@decyp.tas.gov.au

Australian Capital Territory

Adoption and Permanent Care Team

Child and Youth Protection Services <https://www.act.gov.au/community/families/adopting-a-child>

Call: +61 2 6207 1069

Fax: +61 2 6207 1020

Email: adoptions@act.gov.au

Northern Territory

Adoption Unit

Department of Territory Families, Housing and Communities

Website: <https://nt.gov.au/community/child-protection-and-care/adoption>

Call: +61 8 8922 5519

Email: TFHC.Adoptions@nt.gov.au

PART II: RELEVANT LEGISLATION

2. The 1993 Hague Intercountry Adoption Convention and domestic legislation	
<p>a) When did the 1993 Hague Intercountry Adoption Convention enter into force in your State?</p> <p><i>This information is available on the Status Table for the 1993 Hague Intercountry Adoption Convention (accessible via the Intercountry Adoption Section of the Hague Conference website < www.hcch.net >).</i></p>	<p>1 December 1998</p>
<p>b) Please identify the legislation / regulations / procedural rules which implement or assist with the effective operation of the 1993 Convention in your State. Please also provide the date of their entry into force.</p> <p><i>Please remember to indicate how the legislation / regulations / rules may be accessed: e.g., provide a link to a website or attach a copy. Where applicable, please also provide a translation into English or French if possible.</i></p>	<p>Commonwealth laws relevant to intercountry adoption:</p> <ul style="list-style-type: none"> • Family Law Act 1975 • Family Law (Hague Convention on Intercountry Adoption) Regulations 1998 • Family Law (Bilateral Arrangements – Intercountry Adoption) Regulations 2023 <p>Commonwealth immigration laws relevant to intercountry adoption:</p> <ul style="list-style-type: none"> • Australian Citizenship Act 2007 • Australian Citizenship Amendment (Intercountry Adoption) Act 2015 • Immigration (Guardianship of Children) Act 1946 • Migration Act 1958 • Migration Regulations 1994 <p>Australian Commonwealth legislation can be viewed at: http://www.comlaw.gov.au/</p> <p>State and Territory Legislation</p> <p>Each Australian state and territory has its own legislation governing domestic and intercountry adoption matters within that jurisdiction.</p> <p>New South Wales</p> <ul style="list-style-type: none"> • Adoption Act 2000 • Adoption Regulation 2015 <p>New South Wales legislation can be viewed at: http://www.legislation.nsw.gov.au</p> <p>Victoria</p> <ul style="list-style-type: none"> • Adoption Act 1984 • Adoption Regulations 2008 & 2019 <p>Victorian legislation can be viewed at: http://www.legislation.vic.gov.au</p>

	<p>Queensland</p> <ul style="list-style-type: none"> • Adoption Act 2009 • Adoption Regulation 2020 <p>Queensland legislation can be viewed at: http://www.legislation.qld.gov.au/</p> <p>Western Australia</p> <ul style="list-style-type: none"> • Adoption Act 1994 • Adoption Regulations 1995 • Adoption Rules 1995 <p>Western Australian legislation can be viewed at: https://www.legislation.wa.gov.au/</p> <p>South Australia</p> <ul style="list-style-type: none"> • Adoption Act 1988 • Adoption (General) Regulations 2018 <p>South Australian legislation can be viewed at: http://www.legislation.sa.gov.au/</p> <p>Tasmania</p> <ul style="list-style-type: none"> • Adoption Act 1988 • Adoption Regulations 2016 <p>Tasmanian legislation can be viewed at: https://www.legislation.tas.gov.au/</p> <p>Australian Capital Territory</p> <ul style="list-style-type: none"> • Adoption Act 1993 • Adoption Regulation 1993 <p>Australian Capital Territory legislation can be viewed at: http://www.legislation.act.gov.au/</p> <p>Northern Territory</p> <ul style="list-style-type: none"> • Adoption of Children Act 1994 • Adoption of Children Regulations 1994 <p>Northern Territory legislation can be viewed at: https://legislation.nt.gov.au/</p>
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3. Other international agreements on intercountry adoption³

Is your State party to any other international (cross-border) agreements concerning intercountry adoption?	<input type="checkbox"/> Yes:
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³ See Art. 39(2) which states: "Any Contracting State may enter into agreements with one or more other Contracting States, with a view to improving the application of the Convention in their mutual relations. These agreements may derogate only from the provisions of Articles 14 to 16 and 18 to 21. The States which have concluded such an agreement shall transmit a copy to the depositary of the Convention" (emphasis added).

<p><i>See Art. 39.</i></p>	<p><input type="checkbox"/> Regional agreements (please specify):</p> <p><input checked="" type="checkbox"/> Bilateral agreements (please specify): Australia has bilateral arrangements with agencies in Taiwan and Republic of Korea</p> <p><input type="checkbox"/> Non-binding memoranda of understanding (please specify):</p> <p><input type="checkbox"/> Other (please specify): Australia has working agreements with its intercountry adoption partner countries.</p> <p><input type="checkbox"/> No</p>
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PART III: THE ROLE OF AUTHORITIES AND BODIES

4. Central Authority(ies)	
<p>Please briefly describe the functions of the Central Authority(ies) designated under the 1993 Convention in your State.</p> <p><i>See Arts 6-9 and Arts 14-21 if accredited bodies are not used.</i></p>	<p>The Secretary of the Australian Government Department of Social Services is the Commonwealth (or Australian) Central Authority for intercountry adoption.</p> <p>Each Australian state and territory also has a central authority.</p> <p>Australia's Commonwealth Government is responsible for establishing and managing intercountry adoption arrangements and related policy. The Australian Central Authority is responsible for ensuring that Australia, as a whole, meets its obligations under the Convention.</p> <p>State and territory central authorities provide intercountry adoption services, including assessing the eligibility and suitability of people wanting to adopt a child from overseas against criteria outlined in their own legislation, managing the adoption application process and facilitating adoptions.</p>

5. Public and competent authorities

Please briefly describe the role of any public and / or competent authorities, including courts, in the intercountry adoption procedure in your State.

See Arts 4, 5, 8, 9, 12, 22, 23 and 30.

State and territory central authorities are competent authorities under Article 23 of the Convention. In certain circumstances, final adoption orders may be made by Australian state or territory courts. For example, children who enter Australia on an adoption visa where the adoption is to be finalised in Australia, or where the adoption is not recognised, fall under the guardianship of the Australian Minister for Immigration. This guardianship is delegated to the Australian state and territory central authorities and ceases upon the granting of an adoption order by an Australian court.

6. National accredited bodies⁴

a) Has your State accredited its own adoption bodies?

See Arts 10-11.

N.B. the name(s) and address(es) of any national accredited bodies should be communicated by your State to the Permanent Bureau of the Hague Conference (see Art. 13).⁵

☐ Yes

☒ No – **go to Question 8**

b) Please indicate the number of national accredited bodies in your State, including whether this number is limited and, if so, on what basis.⁶

Australia does not have national accredited bodies. The Australian Central Authority cannot accredit bodies (nationally or otherwise). Each Australian state and territory is responsible for accrediting bodies to work within their jurisdiction.

c) Please briefly describe the role of national accredited bodies in your State.

Australian states and territories can accredit bodies to undertake intercountry adoption services and activities.

6.1 The accreditation procedure (Arts 10-11)

a) Which authority / body is responsible for the accreditation of national adoption bodies in your State?

Australian states and territories are responsible for accrediting bodies to work in their jurisdiction.

b) Please briefly describe the *procedure* for granting accreditation and the most important accreditation *criteria*.

The 'Commonwealth-State Agreement for the Continued Operation of Australia's Intercountry Adoption Program' (between Australia's Commonwealth Government and state and territory governments) contains 'Guidelines in Relation to the Accreditation of Bodies under the Hague

⁴ "National accredited bodies" in this Country Profile means adoption bodies based within your State (receiving State) which have been accredited under the 1993 Convention by the competent authorities in your State. See further *Guide to Good Practice No 2 on Accreditation and Adoption Accredited Bodies* (hereinafter "GGP No 2"), available on the [Intercountry Adoption Section](http://www.hcch.net) of the Hague Conference website < www.hcch.net > at Chapters 3.1 et seq.

⁵ See GGP No 2, *ibid.*, Chapter 3.2.1 (para. 111).

⁶ See GGP No 2, *supra*, note 4, Chapter 3.4.

	<p>Convention' which include minimum 'Accreditation Criteria' that a body seeking accreditation must satisfy. The criteria are based on the 'Hague Model Criteria for Accreditation of Bodies in Receiving States for Performance of Functions and Duties under the 1993 Hague Convention'.</p> <p>The Accreditation Criteria include that the body: provide services whose primary focus is the best interests of the child; be incorporated and not for profit; must not be, have been, or likely to be involved in negotiations or agreements for establishing an adoption agreement with an overseas country; and must be financially viable, employing professional and experienced staff. The Guidelines require the body's principal officer to have appropriate tertiary qualifications and experience in adoption, substitute care or family services, and the body to employ professional staff with appropriate qualifications.</p> <p>Individual states and territories may impose additional accreditation criteria.</p>
c) For how long is accreditation granted in your State?	N/A
d) Please briefly describe the criteria and the procedure used to determine whether the accreditation of a national adoption body will be <i>renewed</i> .	N/A
6.2 Monitoring of national accredited bodies⁷	
<p>a) Which authority is competent to monitor / supervise national accredited bodies in your State?</p> <p><i>See Art. 11 c).</i></p>	States and territories are responsible for monitoring and supervising accredited bodies in their jurisdiction.

b) Please briefly describe how national accredited bodies are monitored / supervised in your State (e.g., if inspections are undertaken, how frequently).	N/A
c) Please briefly describe the circumstances in which the accreditation of bodies can be revoked (i.e., withdrawn).	N/A
d) If national accredited bodies do not comply with the 1993 Convention, is it possible for sanctions to be applied?	<input checked="" type="checkbox"/> Yes, please specify possible sanctions (e.g., fine, withdrawal of accreditation): Sanctions might include the body's accreditation being reviewed, suspended, or revoked, depending on the nature and severity of its non-compliance with the Convention.

⁷ See GGP No 2, *supra*, note 4, Chapter 7.4.

	<input type="checkbox"/> No
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7. Authorisation of national accredited bodies to work in other Contracting States (Art. 12)⁸

7.1 The authorisation procedure

a) Which authority / body in your State is responsible for the authorisation of national accredited bodies to work with, or in, other Contracting States?	The Australian Central Authority.
b) Is authorisation granted as part of the accreditation procedure or is a separate authorisation procedure undertaken?	<input type="checkbox"/> Authorisation is granted as part of the accreditation procedure. <input checked="" type="checkbox"/> A separate procedure is undertaken for authorisation.
c) Is authorisation granted to national accredited bodies to work in <i>all</i> States of origin or must national accredited bodies apply for authorisation to work in specific, pre-identified State(s) of origin?	<input type="checkbox"/> Authorisation is granted generally: once authorised, national accredited bodies are able to work in <i>all</i> States of origin. <input checked="" type="checkbox"/> Authorisation is granted specifically: national accredited bodies must apply for authorisation to work in one or more pre-identified State(s) of origin.
d) Please briefly describe the <i>procedure</i> for granting authorisation and the most important authorisation <i>criteria</i> . ⁹ If your State does not have authorisation criteria, please explain on what basis decisions concerning authorisation are made. Please also explain whether your State has any criteria concerning how the national accredited body must establish itself in the State(s) of origin or whether this is left entirely to the requirements of the State of origin (e.g., requirements that the body must have a local representative in the State of origin, or must establish a local office).	<p>An accredited body applies for authorisation by submitting a written application to the Australian Central Authority.</p> <p>The key authorisation criteria the body must address are: (1) whether the body meets the Convention's minimum standards for accredited bodies (Articles 10-11, 32; Part 2.2 of the Guide to Good Practice No.2); and (2) the model criteria for authorising bodies (model criterion 3.4) including, for each country the body wishes to work in, the need for the body's services in that country (Part 2.3.4.2, in particular paragraph 89; and Parts 4.2.3-4.3 of the Guide to Good Practice No.2) and the body's knowledge of the laws and procedures in that country relating to intercountry adoption.</p> <p>Australia expects an accredited body to meet a State of origin's requirements concerning how it must establish itself in that State.</p>

e) For how long is authorisation granted?	There is no set time limit for authorisation. The Australian Central Authority is likely to grant an authorisation for the same period as a body's accreditation.
f) Please briefly describe the criteria and procedure used to determine whether authorisation will be <i>renewed</i> .	The Australian Central Authority would expect the body to submit a written application addressing the same criteria used to decide its authorisation application, and any additional criteria set by the Australian Central Authority. The Australian Central Authority would also consider the body's

⁸ In relation to authorisation of accredited bodies, see further GGP No 2, *supra*, note 4, Chapter 4.2.

⁹ In relation to authorisation criteria, please see GGP No 2, *supra*, note 4, Chapters 2.3.4.2 and 4.2.4.

	performance during its period of authorisation.
7.2 Monitoring the work of your authorised national accredited bodies in other Contracting States	
a) Please briefly describe how your State ensures that authorised national accredited bodies (including their representatives, co-workers and any other staff ¹⁰ in the State of origin) are monitored / supervised by your State in relation to their work / activities <i>in the State of origin</i> .	Australia does not currently undertake this monitoring as there are no Australian authorised accredited bodies working in a State of origin. If required to undertake this monitoring, the Australian Central Authority would, at a minimum, liaise with the State(s) of origin in which the authorised accredited body works in.
b) Please briefly describe the circumstances in which the authorisation of national accredited bodies can be revoked (<i>i.e.</i> , withdrawn).	The Australian Central Authority could revoke an accredited body's authorisation to work in other Contracting States if it found the body to be non-compliant with the standards and principles of the Convention, or the authorisation criteria the body addressed when it applied for authorisation. However, at this point in time Australia does not have accredited bodies working in any State of origin.

8. Approved (non-accredited) persons (Art. 22(2))¹¹	
<p>Is the involvement of approved (non-accredited) persons permitted in intercountry adoption procedures in your State?</p> <p>N.B. see Art. 22(2) and check whether your State has made a declaration according to this provision. You can verify this on the Status Table for the 1993 Convention, available on the Intercountry Adoption Section of the Hague Conference website.</p> <p>If your State has made a declaration according to Art. 22(2), the Permanent Bureau of the Hague Conference should be informed of the names and addresses of these bodies and persons (Art. 22(3)).¹²</p>	<p><input type="checkbox"/> Yes, our State has made a declaration under Article 22(2) and the involvement of approved (non-accredited) persons is possible. Please specify their role:</p> <p><input checked="" type="checkbox"/> No</p>

PART IV: THE CHILDREN PROPOSED FOR INTERCOUNTRY ADOPTION

9. The adoptability of a child (Art. 4 a))	
Does your State have its own criteria concerning the adoptability of a child (e.g., maximum age) which must be applied <i>in addition to</i> the requirements of the State of origin?	<p><input type="checkbox"/> Yes – please specify:</p> <p><input checked="" type="checkbox"/> No, there are no additional criteria concerning adoptability – the requirements of the State of origin are determinative.</p>

¹⁰ For an explanation of the terminology used concerning the staff of the national accredited body working in the State of origin, see the GGP No 2, *supra*, note 4, Chapters 6.3 and 6.4.

¹¹ See GGP No 2, *supra*, note 4, Chapter 13.

¹² See GGP No 2, *supra*, note 4, Chapter 13.2.2.5.

10. The best interests of the child and subsidiarity (Art. 4 b))

Does your State request information / evidence from the State of origin to satisfy itself that the State of origin has respected the principle of subsidiarity (*i.e.*, proof that family reunification was attempted, or that the possibility of in-country permanent family placements has been explored)?

☒ Yes – please specify: Australia expects information on the adoptability of the child, and compliance with the subsidiarity principle, to be included in the report on the child which accompanies a placement proposal. It is expected that this information includes sufficient detail on how the subsidiarity principle has been met.

☐ No

11. Children with special needs

Does your State have its own definition of the term “special needs children” which is applied in intercountry adoption cases?

☐ Yes – please provide the definition used in your State:

☒ No – the definition used in the State(s) of origin is determinative.

12. The nationality of children who are adopted intercountry¹³

Do children who are adopted intercountry to your State acquire the nationality of your State?

☒ Yes, always. Please specify:

- (i) At what stage nationality is acquired by the child: This depends on whether the child is adopted from a Convention country, and, in the case of an adoption from a Convention country, whether the child’s State of origin issues a full and final adoption order, simple adoption order or guardianship order.

A full and final adoption order made in a Convention country is automatically recognised in Australia. The child is eligible to apply for Australian citizenship by adoption in the State of origin and can travel to Australia with Australian citizenship and on an Australian passport.

A simple adoption order made in a Convention country is automatically recognised in Australia but must be converted to a full adoption by an Australian court. Upon a conversion order being made the child is eligible to apply for Australian citizenship by adoption.

A child adopted from a Convention country who arrives in Australia under a guardianship order, on the understanding that an adoption order will be issued in Australia, automatically acquires citizenship once the adoption order is issued by an Australian court.

A child from a prescribed non-Convention country, with which Australia has a bilateral arrangement, is eligible to apply for Australian citizenship by adoption once the adoption process is complete in the State of origin, allowing the child to travel to Australia as an Australian citizen on an Australian passport; and

- (ii) The procedure which must be undertaken (or whether acquisition of nationality is *automatic* upon

¹³ Regarding nationality, see further the *Guide to Good Practice No 1 on the implementation and operation of the 1993 Hague Intercountry Adoption Convention* (hereinafter, “GGP No 1”), available on the [Intercountry Adoption Section](http://www.hcch.net) of the Hague Conference website < www.hcch.net >, at Chapter 8.4.5.

	<p>the occurrence of a particular event, <i>e.g.</i>, the making of the final adoption decision): In all cases, other than where an adoption order is issued by an Australian court, the child must apply for Australian citizenship using the appropriate form. The applicant must provide an adoption compliance certificate, or, for non-Convention countries, a copy of the adoption order, as evidence of the adoption and pay the appropriate fee. To view the current fees for Australian citizenship by adoption, use the following link: https://www.homeaffairs.gov.au/trav/citi/pathways-processes/application-options/adoption</p> <p><input type="checkbox"/> It depends – please specify which factors are taken into consideration (<i>e.g.</i>, the nationality of the prospective adoptive parents (PAPs), whether the child loses his / her nationality of the State of origin):</p> <p><input type="checkbox"/> No, the child will never acquire this nationality.</p>
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PART V: PROSPECTIVE ADOPTIVE PARENTS (“PAPs”)

13. Limits on the acceptance of files	
a) Does your State place any limit on the total number of applications for intercountry adoption which are accepted at any one time?	<input type="checkbox"/> Yes, please specify the limit applied and the basis on which it is determined: <input checked="" type="checkbox"/> No
b) Does your State allow PAPs to apply to adopt from more than one State of origin at the same time?	<input type="checkbox"/> Yes, please specify whether any limits are applied: <input checked="" type="checkbox"/> No – PAPs may only apply to adopt from one State of origin at any one time.

14. Determination of the eligibility and suitability of PAPs wishing to undertake an intercountry adoption ¹⁴ (Art. 5 a))	
14.1 Eligibility criteria	
<p>a) Do PAPs wishing to undertake an intercountry adoption have to fulfil any criteria in your State concerning their relationship status(es)?</p> <p><i>Please tick any / all boxes which apply and indicate in the space provided whether any further conditions are imposed (e.g., duration of marriage / partnership / relationship, cohabitation).</i></p>	<input checked="" type="checkbox"/> Yes, the following person(s) may apply in our State for an intercountry adoption: <input checked="" type="checkbox"/> Married, heterosexual couples: <input checked="" type="checkbox"/> Married, same-sex couples: <input checked="" type="checkbox"/> Heterosexual couples in a legally registered partnership: <input checked="" type="checkbox"/> Same-sex couples in a legally registered partnership: Eligible in all jurisdictions. <input checked="" type="checkbox"/> Heterosexual couples that have not legally formalised their relationship: Eligible in all jurisdictions. <input checked="" type="checkbox"/> Same-sex couples that have not legally formalised their relationship: Eligible in all jurisdictions. <input checked="" type="checkbox"/> Single men:

¹⁴ *I.e.*, this section refers to the eligibility criteria applied, and suitability assessment undertaken, in relation to PAPs who are habitually resident in your State and who wish to adopt a child who is habitually resident in another Contracting State to the 1993 Convention: see further Art. 2 of the 1993 Convention.

	<input checked="" type="checkbox"/> Single women: <input type="checkbox"/> Other (please specify): <input type="checkbox"/> No, there are no relationship status criteria for PAPs.
b) Are there any age requirements in your State for PAPs wishing to undertake an intercountry adoption?	<input type="checkbox"/> Yes, please specify: <input checked="" type="checkbox"/> Minimum age requirements: Seven jurisdictions have minimum age requirements in their adoption legislation: New South Wales - 21 years Queensland - 18 years Northern Territory - 25 years Australian Capital Territory - 25 years Western Australia - 18 years Tasmania - 18 years South Australia - 18 Years <input type="checkbox"/> Maximum age requirements: <input checked="" type="checkbox"/> Difference in years required between the PAPs and the child: Four jurisdictions require a specific age gap: New South Wales - minimum 18 years between PAP and child. Western Australia - maximum of 45 years age gap between younger applicant and child, unless PAPs have parental responsibility, when the gap between the younger applicant and child can be 50 years. Tasmania - minimum 18 years between PAP and child. Northern Territory - maximum of 40 years age gap between younger applicant and child, unless PAPs have parental responsibility, when the gap between the younger applicant and child can be 45 years. <input type="checkbox"/> Other (please specify): No
c) Are there any <i>other</i> eligibility criteria which your State requires PAPs to fulfil?	<input checked="" type="checkbox"/> Yes, please specify: <input type="checkbox"/> Additional / differing criteria must be met for PAPs wishing to adopt a child with special needs, for example <input type="checkbox"/> demonstrate their capacity to care for a child with special needs. <input type="checkbox"/> Couples must supply evidence of infertility: For persons with children already (biological or adopted), there are additional criteria (please specify): <input checked="" type="checkbox"/> Other (please specify): Fertility treatment: ACT: Applicant must not be undergoing fertility treatment and must have a 6-month gap between the last IVF treatment and the application. South Australia: Applicant must not be undergoing fertility treatment

	<p>Tasmania: Applicant must not be undergoing fertility treatment.</p> <p>Restrictions on age between existing children:</p> <p>Queensland: PAPs must not have custody of a child under 12 months or a child who has been in the person's custody for less than 12 months. This does not include children of whom the person is an approved carer.</p> <p>South Australia: To ensure that the adoption is in the best interests of all new children entering the household, the Chief Executive must have regard to PAPs who have a child residing with them for less than 12 months or is likely to have a child residing with them in the next two years following selection as an applicant.</p> <p>Pregnancy status:</p> <p>NSW: Placement cannot proceed if female PAP is pregnant.</p> <p>Queensland: Placement cannot proceed if female PAP is pregnant. A PAP cannot be an intended parent under a surrogacy arrangement, and if the person has been an intended parent for a surrogacy arrangement, the surrogacy arrangement ended at least 6 months earlier.</p> <p>Tasmania: Placement cannot proceed if female PAP is pregnant. Must not be pregnant at time of application.</p> <p><input type="checkbox"/></p>
14.2 Suitability assessment¹⁵	
a) Which body(ies) / expert(s) perform the assessment of whether the PAPs are suitable persons to undertake an intercountry adoption?	The relevant state or territory central authority where the PAPs reside.
b) Please briefly describe the procedure which is used to assess the PAPs and determine their suitability to undertake an intercountry adoption.	<p>State and territory central authorities approve adoption applications, based on the information PAPs provide, and in accordance with their legislation.</p> <p>An adoption assessment is undertaken to consider the PAPs suitability to parent an adopted child and to meet the child's specific needs. Assessments usually involve a number of interviews with a suitably qualified. Adoption assessments consider many factors including:</p> <ul style="list-style-type: none"> • parenting capacity • physical and psychological health • motivations and expectations

¹⁵ This suitability assessment will usually form one part of the report on the PAPs (Art. 15): as to which, see GGP No 1, *supra*, note 13, Chapter 7.4.3 and Question 17 below.

	<ul style="list-style-type: none"> • current and past relationships • criminal background checks • financial circumstances • an understanding of and ability to meet the specific needs of adopted children. <p>After the assessment, the assessor completes a report, with a recommendation regarding the suitability of the PAPs to adopt a child.</p>
14.3 Final approval	
Which body / person gives the final approval that the PAPs are eligible and suited to undertake an intercountry adoption?	The relevant state or territory central authority where the PAPs reside.

15. Preparation and counselling of PAPs (Art. 5 b))

<p>a) In your State, are courses provided to prepare PAPs for intercountry adoption?</p>	<p><input checked="" type="checkbox"/> Yes, please specify the following:</p> <ul style="list-style-type: none"> - Whether the courses are mandatory: Yes - At what stage of the adoption procedure they are offered: Generally, education takes place after an initial expression of interest, but before a full assessment has been completed. - Who provides the courses: State and territory central authorities. - Whether they are provided to PAPs individually or collectively (<i>i.e.</i>, in a group): In a group. - Whether they are provided "in person" or electronically: In person and online. - How many hours the courses last: Differs across jurisdictions, but in general the education seminars last two or three full days. - The content of the courses: All PAPs are expected to complete nine compulsory units included in the Nationally Consistent Core Curriculum for parents considering intercountry adoption: Unit One - Intercountry Adoption Framework Unit Two - Realities of Intercountry Adoption Unit Three - Preparation Unit Four - Adopting Children with Special Needs Unit Five - Child Development Unit Six - Attachment Issues Unit Seven - Adjusting to Family Life in Australia Unit Eight - Identity and Culture Unit Nine - If Things Go Wrong <p>Many jurisdictions offer additional training on other relevant topics, but the above units must be completed by all PAPs.</p> <ul style="list-style-type: none"> - Whether there are specific courses for PAPs wishing to adopt a child with special needs: Yes. Unit Four of the Nationally Consistent Core Curriculum for parents considering intercountry adoption deals with adopting children with special needs. Many state and territory central authorities also work closely with PAPs on considering and educating them on adopting children with special needs. - Whether the courses are (or can be) targeted at preparing PAPs for the adoption of a child from specific States of origin: The Nationally Consistent Core Curriculum is not country specific. It is designed to be broad and general. However, there is scope to tailor the information to a particular country of origin if a state or territory
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	<p>wishes to provide country specific education seminars. Once PAPs have completed the core curriculum, state and territory central authorities work closely with the PAPs to educate them on the State of origin they have decided to apply to adopt from.</p> <p><input type="checkbox"/> No</p>
<p>b) Aside from any courses provided, what, if any, (other) counselling or preparation is provided to individual PAPs (e.g., meeting with adoptive parents, language and culture courses)?</p> <p>Please specify, in each case:</p> <p>(i) If it is mandatory for PAPs to use the service;</p> <p>(ii) Who provides the service; and</p> <p>(iii) At what stage in the adoption procedure the service is provided.</p>	<p>Some state or territory central authorities provide (or refer PAPs to) other counselling, preparation or support services depending on factors such as the stage of the adoption, the needs of the PAPs and the needs of the child.</p> <p>The content of any additional support, training or preparation will vary between jurisdictions and will likely be voluntary.</p> <p>The Australian Central Authority also funds a free service for PAPs to access therapeutic support and counselling to assist during their adoption journey.</p>

PART VI: THE INTERCOUNTRY ADOPTION PROCEDURE

16. Applications	
a) To which authority / body should PAPs apply for an intercountry adoption?	The central authority of the state or territory in which the PAPs reside.

<p>b) Please indicate which documents your State requires to be included within the PAPs' file for transmission to the State of origin:¹⁶</p> <p><i>Please tick all which apply.</i></p>	<p><input checked="" type="checkbox"/> An application form for adoption completed by the PAPs</p> <p><input checked="" type="checkbox"/> A statement of "approval to adopt" issued by a competent authority</p> <p><input checked="" type="checkbox"/> A report on the PAPs including the "home study" and other personal assessments (see Art. 15)</p> <p><input checked="" type="checkbox"/> Copies of the PAPs' passports or other personal identification documents</p> <p><input checked="" type="checkbox"/> Copies of the PAPs' birth certificates</p> <p><input type="checkbox"/> Copies of the birth certificates of any children living with the PAPs</p> <p><input checked="" type="checkbox"/> Copies of marriage, divorce or death certificates, as applicable (please specify in which circumstances): If the PAPs are married, a marriage certificate will be included. If one or both parties has been divorced, evidence of the dissolution of the marriage will be included.</p> <p><input checked="" type="checkbox"/> Information concerning the health of the PAPs (please specify in which circumstances and what type of information is required): General information about the health of the PAPs is included in the home study report, and if there are any health or medical issues, there will be information on the condition and how it may affect parenting. Some States of origin require specific health information, which is included where required/relevant.</p> <p><input checked="" type="checkbox"/> Evidence of the financial circumstances of the family (please specify in which circumstances and what type of information is required): Information on the financial situation of the PAPs, and their ability to provide for the child is referred to in the home study report.</p> <p><input checked="" type="checkbox"/> Information concerning the employment status of the PAPs (please specify in which circumstances and what type of information is required): The PAPs' employment status is included in the home study report.</p> <p><input checked="" type="checkbox"/> Proof of no criminal record</p> <p><input type="checkbox"/> Other(s): please explain</p>
<p>c) Is it compulsory in your State for an accredited body to be involved in an intercountry adoption procedure?¹⁷</p>	<p><input type="checkbox"/> Yes, please specify at which stage(s) of the procedure an accredited body must be involved (e.g., for the preparation of the home study, for the submission of the adoption file to the State of origin, for all stages of the procedure):</p> <p><input checked="" type="checkbox"/> No. Please specify who assists PAPs if no accredited body is involved in the adoption</p>

¹⁶ Please remember that a specific State of origin may have other / additional requirements concerning the documentation that must be submitted to it. A list of documents required by the specific State of origin can be found in the State of origin's Country Profile.

¹⁷ See GGP No 1, *supra*, note 13, paras 4.2.6 and 8.6.6: "independent" and "private" adoptions are not consistent with the system of safeguards established under the 1993 Convention.

	procedure: The central authority of the state or territory in which the PAPs reside.
<p>d) Are any <i>additional</i> documents required if PAPs apply through an accredited body?</p> <p><i>Please tick all which apply.</i></p>	<p><input type="checkbox"/> Yes</p> <p><input type="checkbox"/> A power of attorney issued by the PAPs to the accredited body (<i>i.e.</i>, a written document provided by the PAPs to the accredited body in which the PAPs formally appoint the accredited body to act on their behalf in relation to the intercountry adoption):</p> <p><input type="checkbox"/> A contract signed by the accredited body and the PAPs:</p> <p><input type="checkbox"/> A document issued by a competent authority of the receiving State certifying that the accredited body may undertake intercountry adoptions:</p> <p><input type="checkbox"/> Other (please specify):</p> <p><input checked="" type="checkbox"/> No</p>

17. The report on the PAPs (Arts 5 a) and 15(1))

<p>a) Which body(ies) / expert(s) prepare the report on the PAPs?</p> <p>Please include all those involved with the preparation of any of the documents which are included within such a report.</p>	<p>The central authority of the state or territory in which the PAPs reside organises the home study report.</p> <p>The report is prepared by an appropriately qualified staff member, qualified in a field such as social work, psychology or similar. Depending on the jurisdiction, the staff member is either an employee of the state or territory government department responsible for adoptions, or a contractor hired by the department.</p> <p>The home study report may include evidence or opinions of other experts if necessary (eg, a medical or psychological expert).</p>
<p>b) Is a "standard form" used for the report on the PAPs in your State?</p>	<p><input type="checkbox"/> Yes, please provide a link to the form or attach a copy:</p> <p><input checked="" type="checkbox"/> No. Please indicate whether your State has any requirements concerning the information which must be included in the report on the PAPs and / or the documentation which must be attached to it: Each state or territory has its own standard form for home study reports.</p>
<p>c) For how long is the report on the PAPs valid in your State?</p>	<p>This varies between jurisdictions (see below). PAPs are approved for a certain period of time in most jurisdictions. At the end of this period, they are reassessed to ensure they are still suitable to adopt and updated where required. If required, an updated home study report will be sent to the country of origin.</p> <p>New South Wales - four years*</p> <p>Victoria - two years**</p> <p>Queensland - four years with a review and update two years after the initial assessment***</p> <p>Western Australia - two years</p>

	<p>South Australia - three years</p> <p>Tasmania - three years</p> <p>Australian Capital Territory - two years</p> <p>Northern Territory - three years</p> <p>*New South Wales' assessment remains valid for four years, however, the New South Wales Central Authority reviews Home Study Assessments every two years.</p> <p>**Victoria's assessment remains continuously valid under the Adoption Act 1984 (Vic), however, as standard practice, the Victorian Central Authority re-evaluates Home Study Assessments every two years.</p> <p>***The Queensland Central Authority completes an update and review of the report on PAPs two years after the initial assessment of suitability. Four years after the initial assessment, the Central Authority completes a full re-assessment. A file remains active unless an adoption order is made, the applicants request removal from the register, or they are removed from the register.</p> <p>If there are any major changes to the circumstances of the PAPs at any stage of the process (such as moving house) an updated home study report will be provided to the country or origin, regardless of whether the previous report is still valid.</p>
d) Who is responsible in your State for renewing the report on the PAPs if the period of validity expires before the intercountry adoption is completed and what is the procedure for renewal?	The central authority of the state or territory in which the PAPs reside.

18. Transmission of the PAPs' file to the State of origin

a) Who sends the finalised application file of the PAPs to the State of origin?	The central authority of the state or territory in which the PAPs reside.
b) If no accredited body is involved with the intercountry adoption application (see Question 16 c) above), who assists the PAPs with compiling and transmitting their application file?	<p>The central authority of the state or territory in which the PAPs reside.</p> <p>Not applicable – an accredited body will always be involved (see response to Question 16 c) above).</p>

19. Receipt of the report on the child (Art. 16(2)) and acceptance of the match (Art. 17 a) and b))

19.1 Receipt of the report on the child (Art. 16(2))

Which authority / body in your State receives the report on the child from the State of origin?	The central authority of the state or territory in which the PAPs reside.
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19.2 Acceptance of the match

<p>a) Does your State require that the matching be accepted by a competent authority in your State?</p>	<p><input checked="" type="checkbox"/> Yes, please provide the following details:</p> <ul style="list-style-type: none"> - Which authority determines whether to accept the match (e.g., the Central Authority or another competent authority): The central authority of the state or territory in which the PAPs reside; and - The procedure which is followed (e.g., the report on the child is transmitted <u>first</u> to the competent authority to determine whether the match is accepted and only if this authority accepts the match is the report sent to the PAPs): The procedure is set out above (see question 17). The placement proposal is first sent to the state or territory central authority. It may seek advice from a health professional if the placement proposal refers to the child having special needs. If the state or territory central authority agrees the match is appropriate for the PAPs, it will present the placement proposal to them. <p><u>Go to Question 19.2 b)</u></p> <p><input type="checkbox"/> No. Please explain the procedure which is followed once the authority / body referred to in Question 19.1 has received the report on the child from the State of origin:</p> <p><u>Go to Question 19.2 c)</u></p>
<p>b) Which criteria must be fulfilled for the relevant authority in your State to accept the match?</p>	<p>The state or territory central authority must be assured, with supporting evidence, that the child is genuinely eligible for, and in need of, intercountry adoption and that the adoption is in compliance with the Convention.</p> <p>The state or territory central authority must agree the PAPs are capable of caring for the child, taking into account the child's age and any special needs.</p> <p>In some cases, a child may not match the approval range of the PAPs. If the state or territory central authority agrees the PAPs may be capable of caring for the child, they may present the proposal and ask the PAPs if they are willing to be re-assessed to ensure they can meet the child's needs.</p>
<p>c) Does your State impose any requirements on PAPs concerning the length of time they are given to decide whether to accept a match?</p>	<p><input type="checkbox"/> Yes, in addition to any requirements of the State of origin, our State has a time-limit – please specify:</p> <p><input checked="" type="checkbox"/> No, the requirements of the State of origin are determinative in this regard.</p>
<p>d) Do PAPs receive any kind of assistance from your State when deciding whether to accept a match?</p>	<p><input checked="" type="checkbox"/> Yes – please specify what type of assistance is provided (e.g., counselling): The PAPs have a case worker who will discuss the match with them and assist in obtaining more information about the child if required (e.g. seek further information on any medical condition the child has). It is not the role of the case worker to advocate</p>

	<p>accepting or declining the proposal - the decision must be made by the PAPs.</p> <p>The case worker cannot provide counselling, but they may be able to direct the PAPs to appropriate services if they are needed or requested.</p> <p><input type="checkbox"/> No</p>
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20. Agreement under Article 17 c)

a) Which competent authority / body agrees that the adoption may proceed in accordance with Article 17 c)?	The central authority of the state or territory in which the PAPs reside.
b) At what point in the adoption procedure is the Article 17 c) agreement given in your State?	<p><input type="checkbox"/> Our State waits for the State of origin to provide its agreement first OR</p> <p><input checked="" type="checkbox"/> Our State sends its agreement to the State of origin with a notice that the match has been accepted OR</p> <p><input type="checkbox"/> Other (please specify):</p>

21. Travel of the PAPs to the State of origin¹⁸

a) Does your State impose any travel requirements / restrictions on PAPs in addition to those imposed by the State of origin?	<p><input type="checkbox"/> Yes, please specify the additional requirements / restrictions:</p> <p><input checked="" type="checkbox"/> No</p>
b) Does your State permit an escort to be used to bring the child to the adoptive parents in your State in any circumstances?	<p><input type="checkbox"/> Yes, please specify in which circumstances:</p> <p><input checked="" type="checkbox"/> No</p>

¹⁸ See GGP No 1, *supra*, note 13, Chapter 7.4.10.

22. Authorisation for the child to enter and reside permanently (Arts 5 c) and 18)

<p>a) Please specify the procedure to obtain authorisation for the child to enter and reside permanently in your State.</p>	<p>There are two pathways by which authorisation may be obtained for the child to enter and permanently reside in Australia, depending on whether the child is adopted from a Convention country, and, in the case of an adoption from a Convention country, whether the child's State of origin issues a full and final adoption order, simple adoption order or guardianship order.</p> <p>A child adopted from a Convention country where a full and final adoption order was issued may apply for Australian citizenship prior to departing their State of origin, thus acquiring rights to enter and reside permanently in Australia. For more information, see answer to question 12.</p> <p>A child from a prescribed non-Convention country, with which Australia has a bilateral arrangement, is eligible to apply for Australian citizenship by adoption once the adoption process is complete in the State of origin, allowing the child to travel to Australia as an Australian citizen on an Australian passport.</p> <p>In all other situations, the child would apply for and travel to Australia on an Adoption (subclass 102) visa, which grants the child the right to enter and permanently reside in Australia. To obtain the visa, the child must apply using the appropriate form, provide the required evidence (such as an adoption compliance certificate, or copy of an adoption or guardianship order), and pay the appropriate fee (outlined in the table of costs).</p>
<p>b) Which documents are necessary for a child to be able to enter and reside permanently in your State (e.g., passport, visa)?</p>	<p>They will either need:</p> <ul style="list-style-type: none"> - an Australian passport, or - a passport issued by their country of origin and a subclass 102 visa.
<p>c) Which of the documents listed in response to Question 0 b) above must be issued by your State? Please indicate which public / competent authority is responsible for issuing each document.</p>	<p>Both.</p> <p>The Australian Department of Foreign Affairs and Trade is responsible for issuing Australian passports, which may be issued by Australian embassies overseas.</p> <p>The Australian Department of Home Affairs is responsible for issuing visas.</p>
<p>d) Once the child has arrived in your State, what is the procedure, if any, to notify the Central Authority or accredited body of his / her arrival?</p>	<p>Families are expected to notify their state or territory central authority of the child's arrival in Australia.</p>

23. Final adoption decision and the Article 23 certificate

<p>a) If the final adoption decision is made in your State, which competent authority:</p>	<p>(i) If the adoption is finalised in Australia, the decision will be made by the relevant</p>
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<p>(i) Makes the final adoption decision; and (ii) Issues the certificate under Article 23?</p> <p>N.B. According to Art. 23(2), the authority responsible for issuing the Art. 23 certificate should be formally designated at the time of ratification of / accession to the 1993 Convention. The designation (or any modification to a designation) should be notified to the depositary of the Convention. The answer to (ii) above should therefore be available on the Status Table for the 1993 Convention (under "Authorities"), available on the Intercountry Adoption Section of the Hague Conference website.</p>	<p>court of the state or territory in which the family resides.</p> <p>(ii) The central authority of the state or territory in which the family resides is responsible for issuing the Article 23 certificate.</p>
<p>b) Does your State use the "Recommended model form – Certificate of conformity of intercountry adoption"?</p> <p>See GGP No 1 – Annex 7.</p>	<p><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p>
<p>c) Please briefly describe the procedure for issuing the Article 23 certificate. <i>E.g.</i>, how long does it take to issue the certificate? Is a copy of the certificate always given to the PAPs? Is a copy sent to the Central Authority in the State of origin?</p>	<p>Three of Australia's partner programs (the Philippines, Thailand, and Hong Kong) require the adoption to be finalised in Australia. The child travels to Australia under a guardianship order issued by the overseas authorities. The overseas central authority provides written approval and consent for the adoption to be finalised in an Australian court, and in return requires proof the adoption has been finalised and proof of the child's citizenship. It does not request an Article 23 certificate.</p> <p>As a result, Australian state and territory central authorities do not routinely issue Article 23 certificates. When Article 23 certificates are issued, copies are sent to the Central Authority in the State of origin.</p>

d) In cases in which the Article 23 certificate is issued in the State of origin, which authority or body in your State should receive a copy of this certificate?	The central authority of the state or territory in which the family resides.
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PART VII: INTRA-FAMILY INTERCOUNTRY ADOPTIONS

24. Procedure for the intercountry adoption of a child who is a relative of the PAPs ("intra-family intercountry adoption")	
<p>a) Please explain the circumstances in which an intercountry adoption will be classified as an "<i>intra-family intercountry adoption</i>" in your State. Please include an explanation of the degree of relationship which a child must have with PAPs to be considered a "relative" of those PAPs.</p>	<p>In Australia, 'relative adoption' refers to the adoption of a child resident overseas by the child's relatives resident in Australia. State and territory adoption legislation and policy determines individuals' eligibility to adopt an overseas relative child, and whether a state or territory is able to facilitate such an adoption. Requests from overseas central authorities to facilitate the intercountry adoption of a relative child are considered by state and territory central authorities on a case-by-case basis, and only if the country of origin has determined that the child is legally able to be placed for intercountry adoption and that the adoption would be in the best interests of the child.</p> <p>The process for intercountry relative adoptions is as follows:</p> <ol style="list-style-type: none"> 1. The relevant overseas authority determines whether the child is legally adoptable. 2. The relevant overseas authority determines whether intercountry adoption is in the child's best interests, after giving due consideration to possibilities for placement of the child within the country of origin. 3. If satisfied the child is adoptable and intercountry adoption is in the child's best interests, the relevant overseas authority provides the relevant Australian state or territory central authority with a report on the circumstances of the child. 4. The relevant state or territory central authority may consult the Australian Central Authority to assist in determining if the request to facilitate the intercountry relative adoption complies with the standards and principles of the Convention. 5. Should an adoption placement be contemplated for the child, an assessment report for the PAPs to determine their eligibility and suitability to adopt under state or territory law will be completed by the relevant state or territory central authority. If approved, the assessment report will be transmitted to the overseas authority. 6. The relevant overseas authority will determine whether the proposed adoption placement is in the child's best interests.

	<p>7. If it is decided that the adoption would be in the child's best interests, the relevant overseas authority and the relevant state or territory central authority agree to facilitate the adoption.</p> <p>8. The adoption is progressed through the usual intercountry adoption process.</p>
<p>b) Does your State apply the procedures of the 1993 Convention to intra-family intercountry adoptions?</p> <p>N.B. <i>If the child and PAPs are habitually resident in different Contracting States to the 1993 Convention, the Convention is applicable, irrespective of the fact that the child and PAPs are related: see further GGP No 1 at para. 8.6.4.</i></p>	<p><input checked="" type="checkbox"/> Yes – go to Question 25</p> <p><input type="checkbox"/> Yes, in general, although there are some differences in the procedures for intra-family intercountry adoptions – please specify: Go to Question 25</p> <p><input type="checkbox"/> No – go to Question 24 c)</p>
<p>c) If your State does not apply the Convention procedures to intra-family intercountry adoptions, please explain the laws / rules / procedures which are used in relation to:</p> <p>(i) The counselling and preparations which PAPs must undergo in your State;</p> <p>(ii) The preparation of the child for the adoption;</p> <p>(iii) The report on the PAPs; and</p> <p>(iv) The report on the child.</p>	<p>(i)</p> <p>(ii)</p> <p>(iii)</p> <p>(iv)</p>

PART VIII: SIMPLE AND FULL ADOPTION¹⁹

25. Simple and full adoption	
<p>a) Is "full" adoption permitted in your State?</p> <p><i>See GGP No 1 at Chapter 8.8.8 and note 19 below.</i></p>	<p><input checked="" type="checkbox"/> Yes</p> <p><input type="checkbox"/> No</p> <p><input type="checkbox"/> In certain circumstances only – please specify:</p> <p><input type="checkbox"/> Other (please explain):</p>
<p>b) Is "simple" adoption permitted in your State?</p> <p><i>See GGP No 1 at Chapter 8.8.8 and note 19 below.</i></p>	<p><input type="checkbox"/> Yes</p> <p><input type="checkbox"/> No</p> <p><input type="checkbox"/> In certain circumstances only (e.g., for intra-family adoptions only) – please specify:</p> <p><input checked="" type="checkbox"/> Other (please explain): Children are able to enter Australia on a simple adoption, however their adoption must be converted to a full adoption within an Australian court.</p>
<p>c) Does the law in your State permit "simple" adoptions to be converted into "full" adoptions in accordance with Article 27 of the 1993 Convention?</p>	<p><input checked="" type="checkbox"/> Yes – please provide details of how this is undertaken and please specify whether this is done on a regular basis when a State of origin grants a "simple" adoption or only in specific cases: Three of Australia's partner programs (Thailand, Philippines and Hong</p>

¹⁹ According to the 1993 Convention, a **simple** adoption is one in which the legal parent-child relationship which existed before the adoption is not terminated but a new legal parent-child relationship between the child and his / her adoptive parents is established. A **full** adoption is one in which the pre-existing legal parent-child relationship is terminated. See further Arts 26 and 27 and GGP No 1, *supra*, note 13, Chapter 8.8.8.

<p>See Art. 27(1) a).</p>	<p>Kong) undertake simple adoptions. Latvia also has the option to undertake simple adoptions, depending on PAP circumstances and court determination.</p> <p>The simple adoption is finalised in the country of origin and the Article 23 certificate issued to the relevant state or territory central authority.</p> <p>Conversion is provided for under regulation 20 of the Family Law (Hague Convention on Inter-country Adoption) Regulations 1998 (Cth) which establishes a process by which, on application, a court may issue an order terminating the legal relationship between the child and the pre-adoption parents.</p> <p><input type="checkbox"/> No – go to Question 26</p>
<p>d) If conversion of a “simple” adoption into a “full” adoption is sought in your State following an intercountry adoption, how does your State ensure that the consents referred to in Article 4 c) and d) of the 1993 Convention have been given in the State of origin to a “full” adoption (as required by Art. 27(1) b))?</p> <p>See Art. 27(1) b) and Art. 4 c) and d).</p>	<p>Under regulation 20(3) of the Family Law (Hague Convention on Inter-country Adoption) Regulations 1998 (Cth), a court may only convert a simple adoption to a full adoption if an Article 23 certificate has been issued by the country of origin.</p>
<p>e) Following a conversion in your State, please explain which authority is responsible for issuing the Article 23 certificate in relation to the conversion decision. Please also explain the procedure which is followed.</p>	<p><input type="checkbox"/> The competent authority and the procedure is the same as stated in response to Question 23 above.</p> <p><input checked="" type="checkbox"/> Other (please specify): Not applicable. The Article 23 certificate is issued by the overseas central authority prior to the simple adoption being converted to a full adoption in Australia. There is no need to provide a second Article 23 certificate following the conversion.</p>

PART IX: POST-ADOPTION MATTERS

26. Preservation of, and access to, information concerning the child’s origins (Art. 30) and the adoption of the child	
<p>a) Which authority in your State is responsible for preserving information concerning the child’s origins, as required by Article 30?</p>	<p>The central authority of the state or territory in which the family resides.</p>
<p>b) For how long is the information concerning the child’s origins preserved?</p>	<p>In perpetuity.</p>
<p>c) Does your State permit the following persons to have access to information concerning the child’s origins and / or information concerning the adoption of the child:</p> <p>(i) the adoptee and / or his / her representative(s);</p> <p>(ii) the adoptive parent(s);</p> <p>(iii) the birth family; and / or</p>	<p>(i) <input checked="" type="checkbox"/> Yes – please explain any criteria: If the adoptee is under the age of 18, he or she must have the permission of the adoptive parents to access the records.</p> <p><input type="checkbox"/> No</p> <p>(ii) <input checked="" type="checkbox"/> Yes – please explain any criteria: Some jurisdictions require that if the</p>

<p>(iv) any other person(s)?</p> <p>If so, are there any criteria which must be met for access to be granted (<i>e.g.</i>, age of the adopted child, consent of the birth family to the release of information concerning the child's origins, consent of the adoptive parents to the release of information concerning the adoption)?</p> <p><i>See Art. 9 a) and c) and Art. 30.</i></p>	<p>adoptee is over the age of 18, their consent must be given.</p> <p><input type="checkbox"/> No</p> <p>(iii) <input checked="" type="checkbox"/> Yes – please explain any criteria: The information that birth parents can access varies between jurisdictions and also differs based on the age of the adoptee and when the adoption took place. Depending on the nature of the information sought, the adoptee may need to provide consent for the release of information.</p> <p><input type="checkbox"/> No</p> <p>(iv) <input type="checkbox"/> Yes – please explain any criteria:</p> <p><input checked="" type="checkbox"/> No</p>
<p>d) Where access to such information is provided, is any counselling or other guidance / support given in your State?</p>	<p><input checked="" type="checkbox"/> Yes – please specify: State and territory central authorities provide support to adoptees who are searching for their origins.</p> <p>Adoptees will generally have a case worker (often a qualified social worker) to assist them during the process, and who can refer them to appropriate services as required.</p> <p>The Australian Central Authority funds a free service which provides counselling, assistance and therapeutic support to adoptees, including when adoptees are accessing information and undertaking search for origin.</p> <p><input type="checkbox"/> No</p>
<p>e) Once access to such information has been provided, is any <i>further</i> assistance offered to the adoptee and / or others (<i>e.g.</i>, regarding making contact with his / her biological family, tracing extended family)?</p>	<p><input checked="" type="checkbox"/> Yes – please specify: See above.</p> <p><input type="checkbox"/> No</p>

27. Post-adoption reports

<p>a) Absent specific requirements of the State of origin in this regard, who is responsible in your State for <i>writing</i> post-adoption reports and <i>sending</i> such reports to the State of origin?</p>	<p>The central authority of the state or territory in which the family resides.</p>
<p>b) Absent any specific requirements of the State of origin in this regard, is there a model form which is used by your State for post-adoption reports?</p>	<p><input checked="" type="checkbox"/> Yes – please specify whether use of the form is mandatory and indicate where it may be accessed (<i>e.g.</i>, provide a link or attach a copy): A template was finalised in 2011 that Australian state and territory central authorities use and tailor as required.</p> <p><input type="checkbox"/> No – in which case, please specify the content expected by <i>your</i> State in a post-</p>

	adoption report (e.g., medical information, information about the child's development, schooling):
c) How does your State ensure that the requirements of the State of origin in relation to post-adoption reporting are fulfilled?	State and territory central authorities work with adoptive parents to encourage and support them to meet post-adoption reporting requirements.

28. Post-adoption services and support (Art. 9 c))

<p>Apart from the matters raised in Question 26 above, what, if any, post-adoption services and support is / are provided by your State to the child and / or PAPs following completion of an intercountry adoption (e.g., counselling, support to preserve cultural links)?</p> <p>In particular, please state whether any specific post-adoption services or support are provided in your State in the case of special needs children.</p>	<p>Each state and territory central authority provides specialised post-adoption support services. These services vary between jurisdictions, but all aim to provide ongoing support, information and referral services to adoptees and their families.</p> <p>The support services are often provided by the states and territories in partnership with non-government organisations.</p> <p>In addition, the Australian Central Authority funds a free service (available Australia-wide) which provides counselling, assistance and therapeutic support to adoptees and adoptive families.</p>
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PART X: THE FINANCIAL ASPECTS OF INTERCOUNTRY ADOPTION²⁰

Receiving States are also kindly requested to complete the "Tables on the costs associated with intercountry adoption", available on the [Intercountry Adoption Section of the Hague Conference website](#).

29. The costs ²¹ of intercountry adoption	
a) Are the costs of intercountry adoption regulated by law in your State?	<p><input checked="" type="checkbox"/> Yes – please specify any relevant legislation / regulations / rules and indicate how they may be accessed (e.g., link to a website or attach a copy). Please also briefly explain the legal framework: State and territory laws regulate the costs of intercountry adoption to PAPs. The power to charge fees, or the power to make regulations in relation to fees, is set out in the following adoption legislation of each jurisdiction:</p> <p>New South Wales - section 200 of the Adoption Act 2000 and regulation 130 of the Adoption Regulations 2003. NSW legislation can be found here: http://www.legislation.nsw.gov.au</p> <p>Victoria - section 112 of the Adoption Act 1984 and the Adoption (Fees) Regulations 2005 which sunsetted on December 2022. Victorian legislation can be found here: http://www.legislation.vic.gov.au</p> <p>Queensland - section 112 of the Adoption Act 2009 and Schedule 2 of the Adoption Regulations 2009. Queensland legislation can be found here: https://www.legislation.qld.gov.au/view/html/inforce/current/act-2009-029</p> <p>Western Australia - section 141 of the Adoption Act 1994 and regulations 86B and 87 of the Adoption Regulations 1995. Western Australian legislation can be found here: http://www.slp.wa.gov.au/legislation/statutes.nsf/default.html</p> <p>South Australia - section 42 of the Adoption Act 1988, regulation 23 and regulation 24A to Adoption (General) Regulations 2018. South Australian legislation can be found here: http://www.legislation.sa.gov.au/</p> <p>Tasmania - section 97 of the Adoption Act 1988, regulation 40 and Part 1 of Schedule 2 of the Adoption Regulations 2016. Tasmanian legislation can be found here: https://www.legislation.tas.gov.au/</p> <p>Australian Capital Territory - section 118 of the Adoption Act 1993 and Ministerial determinations. ACT legislation can be found here: http://www.legislation.act.gov.au/</p> <p>Northern Territory - section 84 of the Adoption of Children Act 1994 and Ministerial notices published in the Gazette. NT legislation can be found here: https://legislation.nt.gov.au/</p> <p><input type="checkbox"/> No</p>

²⁰ See the tools developed by the "Experts' Group on the Financial Aspects of Intercountry Adoption", available on the [Intercountry Adoption Section](#) of the Hague Conference website: *i.e.*, the *Terminology adopted by the Experts' Group on the financial aspects of intercountry adoption* ("Terminology"), the *Note on the financial aspects of intercountry adoption* ("Note"), the *Summary list of good practices on the financial aspects of intercountry adoption* and the *Tables on the costs associated with intercountry adoption*.

²¹ See the definition of "costs" provided in the harmonised Terminology, *ibid*.

<p>b) Does your State monitor the payment of the costs of intercountry adoption?</p>	<p><input checked="" type="checkbox"/> Yes – please briefly describe how this monitoring is undertaken: The Australian Central Authority does not formally monitor the costs of intercountry adoption in Australia, but measures are in place to ensure fees are open and transparent.</p> <p>For example, the fees charged by Australian state and territory central authorities are either specified in regulations or published (in a Ministerial determination or a government gazette). This ensures information about costs is publicly available and accessible.</p> <p>In all jurisdictions there is a clear link between the fees charged and the services to be performed. This ensures transparency and certainty for PAPs.</p> <p>In addition, during the education process, PAPs are given as much information as possible about the costs associated with the country from which they have chosen to adopt and the costs they will be expected to pay to their state or territory central authority. PAPs are encouraged to report any discrepancies or requests for money from a State of origin. The Australian Central Authority works with Australia's partner countries to ensure the information provided to PAPs in relation to the costs to be paid in the country of origin is accurate and up to date.</p> <p><input type="checkbox"/> No</p>
<p>c) Are the costs of intercountry adoption which must be paid in your State paid through the accredited body involved in the particular intercountry adoption (if applicable – see Question 16 c) above) or directly by the PAPs themselves?</p> <p><i>See the "Note on the financial aspects of intercountry adoption" at para. 86.</i></p>	<p><input type="checkbox"/> Through the accredited body:</p> <p><input checked="" type="checkbox"/> Directly by the PAPs: Other (please explain):</p> <p><input type="checkbox"/></p>
<p>d) Are the costs of intercountry adoption which must be paid in your State paid in cash or only by bank transfer?</p> <p><i>See the "Note on the financial aspects of intercountry adoption" at para. 85.</i></p>	<p><input type="checkbox"/> Only by bank transfer:</p> <p>In cash:</p> <p><input checked="" type="checkbox"/> Other (please explain): A range of payment options are available for PAPs when they pay fees to their state or territory central authority, including cash, cheque or electronic funds transfer.</p>
<p>e) Which body / authority in your State receives the payments?</p>	<p>The central authority of the state or territory in which the PAPs reside.</p>
<p>f) Does your State provide PAPs (and other interested persons) with information about the costs of intercountry adoption (e.g., in a brochure or on a website)?</p>	<p><input checked="" type="checkbox"/> Yes – please indicate how this information may be accessed:</p> <p>The Australian Government's Intercountry Adoption Australia website publishes information on the costs of each country program – based on the most up-to-date information available to the Australian Central Authority. The Australian table of costs provides information on the fees and costs charged by Australian Central Authorities.</p>

<p>N.B. Please also ensure that your State has completed the "Tables on the costs associated with intercountry adoption" (see above).</p>	<p>Information on fees charged by partner countries can be found here: https://www.intercountryadoption.gov.au/countries-and-considerations/countries/</p> <p>This information is provided to PAPs during information sessions. The fees charged by each state or territory central authority are also publicly available, either on the website of the state or territory central authority, or in the jurisdiction's legislation.</p> <p><input type="checkbox"/> No</p>
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30. Contributions, co-operation projects and donations²²

<p>a) Does your State permit contributions²³ to be paid (either through your State's Central Authority or a national accredited body) to a State of origin in order to engage in intercountry adoption with that State?</p> <p><i>For good practices relating to contributions, see the "Note on the financial aspects of intercountry adoption" at Chapter 6.</i></p>	<p><input checked="" type="checkbox"/> Yes – please explain:</p> <ul style="list-style-type: none"> - What type of contribution is permitted by your State: contributions that are specifically required by the State of origin - Who is permitted to pay it (<i>i.e.</i>, the Central Authority or a national accredited body): - How it is ensured that contributions do not influence or otherwise compromise the integrity of the intercountry adoption process: <p><input type="checkbox"/> No</p>
<p>b) Does your State undertake (either through the Central Authority or national accredited bodies) co-operation projects in any States of origin?</p>	<p><input type="checkbox"/> Yes - please explain:</p> <ul style="list-style-type: none"> - What type of co-operation projects are permitted by your State: - Who undertakes such projects (<i>i.e.</i>, the Central Authority and / or national accredited bodies): - Whether such projects are mandatory according to the law of your State: - Whether such projects are monitored by an authority / body in your State: - How it is ensured that co-operation projects do not influence or otherwise compromise the integrity of the intercountry adoption process: <p><input checked="" type="checkbox"/> No</p>
<p>c) If permitted in the State of origin, does your State permit PAPs or accredited bodies to make donations to orphanages, institutions or birth families in the State of origin?</p> <p><i>N.B. This is <u>not</u> recommended as a good practice: see further the "Note on the financial aspects of intercountry adoption" at Chapter 6 (in particular, Chapter 6.4).</i></p>	<p><input checked="" type="checkbox"/> Yes – please explain:</p> <ul style="list-style-type: none"> - To whom donations may be made (<i>e.g.</i>, to orphanages, other institutions and / or birth families): PAPs are not permitted to make donations to orphanages, birth families or other institutions during the adoption process. After an adoption is finalised families may choose to make donations to the institution that cared for their child. - What donations are intended to be used for: Care of children remaining in the institution. - Who is permitted to pay donations (<i>e.g.</i>, only accredited bodies or also

²² See the definitions of these terms provided in the harmonised Terminology. In addition, on contributions and donations, see Chapter 6 of the Note, *supra*, note 20.

²³ See further the harmonised Terminology, *supra*, note 20, which states that there are two types of contributions: (1) contributions demanded by the State of origin, which are mandatory and meant to improve either the adoption system or the child protection system. The amount is set by the State of origin. These contributions are managed by the authorities or others appropriately authorised in the State of origin which decide how the funds will be used; (2) contributions demanded by the accredited body from PAPs. These contributions may be for particular children's institutions (*e.g.*, for maintenance costs for the child) or for the co-operation projects of the accredited body in the State of origin. The co-operation projects may be a condition of the authorisation of that body to work in the State of origin. The amount is set by the accredited body or its partners. The payment may not be a statutory obligation and accredited bodies may present the demand in terms of "highly recommended contribution", but in practice it is "mandatory" for the PAPs in the sense that their application will not proceed if the payment is not made.

	<p>PAPs): In strict circumstances, after the adoption has been finalised, some adoptive parents will provide a donation.</p> <ul style="list-style-type: none"> - At what stage of the intercountry adoption procedure donations are permitted to be paid: Only after the adoption is finalised and complete. - How it is ensured that donations do not influence or otherwise compromise the integrity of the intercountry adoption procedure: Donations may only be made after the adoption is finalised and complete and must not be offered or committed to during the adoption process. <p><input type="checkbox"/> No</p>
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31. Improper financial or other gain (Arts 8 and 32)	
a) Which authority is responsible for preventing improper financial or other gain in your State as required by the Convention?	The Australian Central Authority, working with the Australian state and territory central authorities.
b) What measures have been taken in your State to prevent improper financial or other gain?	The Australian, state and central authorities have a policy paper on financial contributions and donations in the context of intercountry adoption. This provides families with best practice guidelines and emphasises the importance of payments made in the course of intercountry adoption being appropriate, transparent, accountable and not for improper purposes. PAPs are educated on the risks associated with donations. Australian state and territory central authorities educate PAPs about what reasonable expenses they can expect to incur in the country of origin. Australia expects PAPs will be able to identify potential issues and seek advice from their state or territory central authority (even when in-country) if they are unsure about a financial transaction.
c) Please explain the sanctions which may be applied if Articles 8 and / or 32 are breached.	Where cases of concern arise, including concerns about improper financial gain, Australia would consider a number of options to address any improper practice, such as: formally reviewing the relevant program, notifying relevant overseas authorities, suspending or closing the relevant program, and investigating whether any offences have been committed under Australian law.

PART XI: ILLICIT PRACTICES²⁴

²⁴ "Illicit practices" in this Country Profile refers to "situations where a child has been adopted without respect for the rights of the child or for the safeguards of the Hague Convention. Such situations may arise where an individual or body has, directly or indirectly, misrepresented information to the biological parents, falsified documents about the child's origins, engaged in the abduction, sale or trafficking of a child for the purpose of intercountry adoption, or otherwise used fraudulent methods to facilitate an adoption, regardless of the benefit obtained (financial gain or other)" (from p. 1 of the *Discussion Paper: Co-operation between Central Authorities*

32. Response to illicit practices in general

Please explain how your Central Authority and / or other competent authorities respond to intercountry adoption cases involving alleged or actual illicit practices.²⁵

Australia has a 'Protocol for Responding to Allegations of Child Trafficking in Intercountry Adoption' (the Protocol). It provides information about assistance and support available to adoptive parents and adoptees where there are allegations or concerns about child trafficking in a country of origin, or when specific concerns are raised in an individual case. To assist when cases of concern arise, Australia has developed 'Guidelines for Raising Cases of Concern'. These provide guidance about information sharing between Australian central authorities.

Where cases of concern arise, including concerns about improper financial gain, Australia would consider a number of options to address any improper practice, such as: formally reviewing the relevant program, notifying relevant overseas authorities, suspending or closing the relevant program, and investigating whether any offences have been committed under Australian law.

33. The abduction, sale of and traffic in children

a) Please indicate which laws in your State seek to prevent the abduction, sale of and traffic in children in the context of your intercountry adoption programmes. Please also specify which bodies / persons the laws target (e.g., accredited bodies (national or foreign), PAPs, directors of children's institutions).

Offences relating to procuring a child for adoption are contained in the following state and territory legislation:

New South Wales - section 177 of the Adoption Act 2000

Victoria - section 119 of the Adoption Act 1984

Queensland - section 303 of the Adoption Act 2009

Western Australia - section 122 of the Adoption Act 1994

South Australia - section 28 of the Adoption Act 1988

Tasmania - sections 107 and 116 of the Adoption Act 1988

Australian Capital Territory - section 94 of the Adoption Act 1993

Northern Territory - section 69 of the Adoption of Children Act 1994

These offences mainly target individuals present in Australia who procure children for adoption. When evidence or potential evidence of acts committed overseas involving the abduction, sale and traffic of children comes to the attention of Australian authorities, the Australian Federal Police will share this information with the overseas jurisdiction's law enforcement body. Concerns about potential trafficking raised with the

to develop a common approach to preventing and addressing illicit practices in intercountry adoption cases, available on the [Intercountry Adoption Section](http://www.hcch.net) of the Hague Conference website < www.hcch.net >).

²⁵ Ibid.

	Australian Central Authority will also be raised with the overseas central authority.
b) Please explain how your State monitors respect for the above laws.	The Australian Central Authority has a monitoring role for any abduction, sale of and traffic in children-related issues that arise in any of Australia's intercountry adoption programs. State and territory law enforcement bodies decide whether to prosecute offences committed under the above laws.
c) If these laws are breached, what sanctions may be applied? (e.g., imprisonment, fine, withdrawal of accreditation.)	New South Wales - maximum penalty of \$2,750 or 12 months imprisonment, or both. Victoria - maximum penalty is \$16,119 or two years imprisonment or both. For a corporation, the maximum penalty is \$80,595. Queensland - maximum penalty is \$23,220 or 18 months imprisonment. For a corporation, the maximum penalty is \$154,800. Western Australia - the penalty is \$25,000 and two years imprisonment. South Australia - maximum penalty is \$20,000 or two years imprisonment. Tasmania - maximum penalty is \$3,500 or six months imprisonment. Australian Capital Territory - maximum penalty is \$75,000, imprisonment for five years, or both. Northern Territory - maximum penalty is \$6,480. (This information was current as at November 2018)

34. Private and / or independent adoptions

Are private and / or independent adoptions permitted in your State?

N.B. "Independent" and "private" adoptions are not consistent with the system of safeguards established under the 1993 Convention: see further GGP No 1 at Chapters 4.2.6 and 8.6.6.

Please tick all which apply.

- ☐ Private adoptions are permitted – please explain how this term is defined in your State:
- ☐ Independent adoptions are permitted – please explain how this term is defined in your State:
- ☒ Neither private nor independent adoptions are permitted.

PART XII: INTERNATIONAL MOBILITY

35. The scope of the 1993 Convention (Art. 2)

a) If foreign national PAPs, habitually resident in your State, wish to adopt a child habitually resident in another Contracting State to the 1993 Convention, are they permitted to do so under the law of your State?

Example: Indian PAPs are habitually resident in the USA and wish to adopt a child habitually resident in India.

☒ Yes – please explain whether this would be treated as an *intercountry* or *domestic* adoption in your State²⁶ and please briefly explain the procedure which would be followed, as well as any specific criteria / conditions which would apply: Technically, such an adoption could take place, and would be treated as an intercountry adoption because the parents and the child live in different countries. If the PAPs were not permanent residents, the child would enter as a dependent on the parent's visa (assuming their visa class permitted dependents). However, all of Australia's partner countries currently require at least one of the PAPs to be an Australian citizen, so it is unlikely such an adoption would take place in practice. These adoptions only take place in exception circumstances and on a case-by-case basis. They can only occur with one of Australia's existing partner country programs.

☐ No

b) If foreign national PAPs, habitually resident in your State, wish to adopt a child also habitually resident in your State, are they permitted to do so under the law of your State?

Example: Indian PAPs are habitually resident in the USA and wish to adopt a child also habitually resident in the USA.

☒ Yes – please explain whether this would be treated as an *intercountry* or *domestic* adoption in your State²⁷ and please briefly explain the procedure which would be followed, as well as any specific criteria / conditions which would apply: Such an adoption would be considered a domestic adoption, because the parents and the child live in the same country. At least one of the applicants would be required to hold Australian permanent residency.

☐ No

c) If a State of origin treats an adoption by PAPs habitually resident in your State as a *domestic* adoption when, in fact, it should be processed as an

There are circumstances where Australian PAPs have travelled overseas and completed a domestic adoption through the local courts of that country. The adoption then comes to the

²⁶ According to the 1993 Convention (see Art. 2), this is an *intercountry* adoption due to the differing habitual residences of the PAPs and the child. The Convention procedures, standards and safeguards should therefore be applied to such adoptions: see further, GGP No 1, *supra*, note 13, Chapter 8.4.

²⁷ According to the 1993 Convention (see Art. 2), this is a *domestic* adoption due to the fact that the habitual residence of the PAPs and the child is in the same Contracting State: see further, GGP No 1, *supra*, note 13, Chapter 8.4.

<p>intercountry adoption under the 1993 Convention, how does your State deal with this situation?</p> <p><i>Example: PAPs who are nationals of State X habitually reside in your State. They wish to adopt a child from State X. Due to their nationality, the PAPs are able to adopt a child in State X in a domestic adoption procedure (in breach of the 1993 Convention). They then seek to bring the child back to your State.</i></p>	<p>attention of the overseas central authority when the PAPs, as required by law, notify them and seek the permission of the central authority to leave the country with the child. In these situations, Australia and the overseas central authority, as set out in the Guide to Good Practice, have worked to heal the defects in the adoption process. Usually, the Australian PAPs will have to be assessed by their state or territory central authority to confirm they are eligible and suitable to parent the child, and a home study report prepared and sent to the overseas authority. The overseas central authority will consider the report and approve the adoption if they believe the placement continues to be in the child's best interests. Additionally, Australia would work with the overseas authority to ensure that both Australian PAPs and relevant bodies involved in domestic adoptions (such as district courts) are aware the process for an adoption, where the parents are not resident in the country, is subject to a different process.</p> <p>This situation is complex as it also involves Australia's immigration legislation and there are specific eligibility criteria that must be met for the child to enter Australia. One criterion is that the PAPs did not travel to the State of origin with the intention of adopting and in this case, they would be ineligible to bring the child into Australia.</p> <p>These cases are defined in Australia as 'expatriate adoptions'. An expatriate adoption is outside Australia's regulated Intercountry Adoption program and is therefore not considered an intercountry adoption. Many adoptive parents have found themselves in situations where they are unable to legally bring their adopted child into Australia.</p>
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PART XIII: SELECTION OF PARTNERS FOR INTERCOUNTRY ADOPTION²⁸

36. Selection of partners	
<p>a) With which States of origin does your State currently partner on intercountry adoption?</p>	<ul style="list-style-type: none"> • Bulgaria • Chile • China • Colombia • Hong Kong • India (Australia is reactivating the India-Australia intercountry adoption program using a careful, staged approach, after it was placed on hold in 2010. Two jurisdictions- Queensland and the Northern Territory, are assessing a small number of people for

²⁸ In relation to the choice of foreign States as partners in intercountry adoption arrangements, see further GGP No 2, *supra*, note 4, Chapter 3.5.

	<p>suitability to be adoptive parents for a child from India.)</p> <ul style="list-style-type: none"> • Latvia • Philippines (Queensland only) • Poland • South Africa • South Korea • Sri Lanka • Taiwan • Thailand
<p>b) How does your State determine with which States of origin it will partner?</p> <p>In particular, please specify whether your State only partners with other <i>Contracting States</i> to the 1993 Convention.</p> <p><i>To see which States are Contracting States to the 1993 Convention, please refer to the Status Table for the 1993 Convention (accessible via the Intercountry Adoption Section of the Hague Conference website < www.hcch.net >).</i></p>	<p>Australia assesses a country's intercountry adoption legislation and infrastructure for compliance with the Hague Convention, and also assesses practical compliance. Australia only has programs with countries that meet these standards; this is not dependent on whether they are parties to the Convention (although most of Australia's programs are with Contracting States - only two are with non-Contracting States).</p> <p>Australia conducts regular reviews of the States it partners with to determine suitability to continue an intercountry adoption arrangement with the State of origin.</p>
<p>c) If your State also partners with <i>non-Contracting States</i>, please explain how it is ensured that the safeguards of the 1993 Convention are complied with in these cases.²⁹</p>	<p>All Australia's intercountry adoption partner countries, regardless of whether they are a Contracting State, have safeguards and frameworks in place to support practical compliance with the standards and principles in the Hague Convention, including that:</p> <ul style="list-style-type: none"> o adoptions take place in the best interests of the child with respect to his or her fundamental rights o a child should be raised by his or her birth family or suitable permanent care should be found in the country of origin wherever possible o safeguards are in place to prevent the abduction, sale and trafficking in children for adoption. <p>Australia assesses and monitors its intercountry adoption programs using a range of measures including:</p> <ul style="list-style-type: none"> o ongoing review of relevant legislation, guidelines and infrastructure in the overseas country for practical compliance with the Convention o monitoring of the practical operation of programs in the overseas country o regular dialogue with authorities in the overseas country, including central authorities, government departments, adoption agencies, liaison with the Australian embassy in-country and visits in-country o reports from International Social Service, UNICEF and other international organisations

²⁹ See GGP No 1, *supra*, note 13, Chapter 10.3 regarding the fact that "[i]t is generally accepted that States Party to the Convention should extend the application of its principles to non-Convention adoptions".

	<p>on child protection issues in the overseas country</p> <ul style="list-style-type: none"> o exchanging information with other countries (including as required under Article 9) o participating in Special Commission meetings, and o maintaining relationships with other relevant stakeholders. <p><input type="checkbox"/> Not applicable: our State only partners with other <i>Contracting</i> States to the 1993 Convention.</p>
<p>d) Are any formalities required in order to commence intercountry adoptions with a particular State of origin (e.g., the conclusion of a formal agreement³⁰ with that State of origin)?</p>	<p><input checked="" type="checkbox"/> Yes – please explain the content of any agreements or other formalities:³¹ The Australian Government decides whether to commence a new intercountry adoption program with a State of origin. Australia does not generally require a formal agreement with that State of origin but will enter into one if requested to do so.</p> <p><input type="checkbox"/> No</p>

³⁰ See note 3 above concerning Art. 39(2) and the requirement to transmit a copy of any such agreements to the depositary for the 1993 Convention.

³¹ *Ibid.*